

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
August 18, 2009 Session

STATE OF TENNESSEE v. ANGELO LOVINS

**Direct Appeal from the Circuit Court for Coffee County
No. 36,329 Charles Lee, Judge**

No. M2009-00536-CCA-R3-CD - Filed December 9, 2009

A Coffee County jury convicted the Defendant, Angelo Lovins, of harassment and criminal trespass. The Defendant appeals, arguing that the evidence is insufficient to support his convictions. After a thorough review of the record and the applicable law, we affirm the trial court's judgments.

Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Circuit Court Affirmed

ROBERT W. WEDEMEYER, J., delivered the opinion of the court, in which DAVID H. WELLES, and JERRY L. SMITH, JJ., joined.

Kevin R. Askren, Tullahoma, Tennessee, for the Appellant, Angelo Lovins.

Robert E. Cooper, Jr., Attorney General and Reporter; Michael E. Moore, Solicitor General; Rachel West Harmon, Assistant Attorney General; C. Michael Layne, District Attorney General; Emily O. Roberts, Assistant District Attorney General, for the Appellee, State of Tennessee.

OPINION
I. Facts

The Coffee County grand jury indicted the Defendant for harassment, criminal trespass, and stalking committed against his previous employers, Mr. and Mrs. Willis. At the Defendant's trial on these charges, the following evidence was presented: Joan Willis testified that she and her husband inherited approximately 800 to 850 acres of farm property from her husband's parents. The Defendant worked for her husband's parents and lived in a rental house ("Warren house") on the property next to the shop. When the Willises inherited the property, the Defendant still lived on the property and continued to work for the Willises although difficulties arose fairly quickly. Mrs. Willis stated that the Defendant took a lot of time off work and provided them with a false driver's license number.

Mrs. Willis recalled the Defendant was involved in an accident while driving a farm vehicle and missed two days of work. The insurance company contacted Mrs. Willis to confirm the number

of days the Defendant missed due to accident-related injuries, and Mrs. Willis told them two days. When the Defendant learned that Mrs. Willis reported to the insurance company that he missed two days of work, he got “close up into [her] face.” He told Mrs. Willis that the Willises “owed him” and that he had missed more than two days of work due to his injuries. Mrs. Willis told the Defendant that she would not lie to the insurance company for him. She described the Defendant as continuing to move toward her while she backed up. Mrs. Willis recalled she opened her cell phone to call her husband, and the Defendant got into his van and “spun out of the shop.” He did not return to work that day.

Mrs. Willis testified it was through the course of dealing with the accident that the Willises learned the Defendant did not have a valid driver’s license. The Defendant told the Willises that he could not afford to pay the requisite fines and insurance to obtain a valid driver’s license. Mrs. Willis recalled that it was a busy time at the farm, and, because they needed help, they loaned the Defendant the money he needed to acquire a valid license. They arranged to take \$100 out of each of the Defendant’s paychecks until the loan was paid in full. This arrangement appeared to work for awhile, but the Defendant soon began to question the amounts he was receiving in his paycheck. Mrs. Willis explained that some of the Defendant’s paychecks were small because the Defendant was taking time off work and because the Defendant had asked for advancements. Once she calculated his hours, deducted advancements and the \$100 monthly loan repayment, his checks were sometimes for a small amount.

Mrs. Willis testified that, around Thanksgiving 2006, her husband became ill. The Defendant was working around the farm “putting hay out” and feeding the cattle. Mrs. Willis ultimately took over the responsibility of feeding the cattle because the Defendant was not feeding them properly.

Mrs. Willis testified that, at one point, the Defendant began insisting that the loan was paid in full when, according to Mrs. Willis, he owed one more payment. Mrs. Willis described the Defendant as coming “up over the table” and “getting in her face.” She further described the Defendant as having a temper. She recalled another incident around Christmas when she gave the Defendant a \$200 Wal-Mart gift card. The Defendant took the card but then started “going off” on Mrs. Willis. The Defendant said that the gift card was not going to pay his bills and that the Willises were supposed to give him \$1200. Mrs. Willis had no idea why the Defendant thought he would be receiving \$1200 and explained that they did not have \$1200. The Defendant remained upset and insisted he was promised \$1200.

Mrs. Willis testified the Willises decided to terminate the Defendant because of his temper and their concern for the way he interacted with Mrs. Willis in such a hostile manner. On February 20, 2007, they told him they could no longer afford help and did not have enough work for him. They gave him a two-week severance pay and allowed him to continue living in the Warren house for \$200 a month. The Defendant told the Willises that he was not going anywhere and then left angry. The Defendant called and told Mrs. Willis that he had lived in the Warren house long enough that they could not make him leave. He further stated that he knew what to do with the Willises’ equipment and livestock in order to put them out of business. Mrs. Willis testified that, following this threat,

she went to the police department and filled out a statement. It was at this time that they also decided to evict the Defendant.

Mrs. Willis testified that she typed up an eviction notice, which her husband delivered, that gave the Defendant thirty days to vacate the premises. Several days later, Mrs. Willis received a phone call indicating someone was at their shop located on the farm property. The Willises immediately went to the property and did not see anyone, but found the cattle were loose. The Willises checked for broken fence but the fence was all in place. The front gate was unhooked and standing wide open. The Willises padlocked the front gate, believing this would remedy the issue. They then, however, found the feed shed door opened which allowed the cattle access to the food and caused the cows to become ill from over-eating. Not long after this occurrence, Mrs. Willis received another phone call indicating someone was at the shop again. They found no one, but, based upon the Defendant's threats to damage their equipment and property, the Willises checked both the equipment and the animals. Mrs. Willis recalled that, on one day, the cattle were let out three different times. Mrs. Willis testified that she called the Sheriff's Department that day, but was told nothing could be done.

Mrs. Willis recalled that she and her husband also received phone calls from the Defendant. The Defendant called Mr. Willis's cell phone, and Mrs. Willis answered it, and the Defendant told Mrs. Willis that he knew "exactly what to do in order not to get in trouble." He told Mrs. Willis that he had nothing to say to her and wanted to speak with Mr. Willis. He also told Mrs. Willis during one of the phone calls that "all hell was going to break loose" and that the Willises would not get him out of the Warren house.

Mrs. Willis said the Defendant did not leave during the thirty days given in the eviction notice, and the Willises filed the eviction papers with the court. The eviction hearing was set for April 4, 2007, and, the day before the hearing, the Willises went to the farm property to feed the cattle. As they were driving out, they saw the Defendant standing in the driveway, and Mrs. Willis testified that she felt "scared to death." She recalled that, by this time, they had changed all the locks at the farm property, changed all the padlocks, and put motion and security lights up around the farm property. She slowly drove around the Defendant, and he lunged at the driver's side door and yelled, "Stop it. I am going to talk to you now. Stop it." Mrs. Willis kept driving, and the Defendant continued to stand in the driveway yelling and displaying his middle finger to them.

Mrs. Willis testified that, the next day at the eviction hearing, the judge ordered the Defendant to return the key to the Warren house to the Willises in court. The Defendant told the judge that there was another key to the house that he did not have with him in court. The judge ordered the Defendant to mail the key to the Willises because the Willises stated they did not want any further contact with the Defendant. Following the hearing, the Willises went straight to the Warren house. When they arrived, a note was taped to the front door. It read: "Be back in the morning to get the remainder." The Willises discovered that all of the key holes were plugged up so they could not enter the house. After contacting the police, the Willises broke into the house and unlocked the door from the inside. Once inside the house, the Willises discovered that the Defendant had plugged up the sinks and toilet.

He had removed the light fixtures from the ceiling and left bags of trash everywhere. One room of the house was completely wrapped in plastic, but the Willises had to leave because they began to experience eye irritation, sore throat, and headache. The Willises did not see any property left behind by the Defendant.

Mrs. Willis said that the Defendant's phone calls continued after the eviction hearing. During these phone calls, the Defendant told Mrs. Willis that he was going to get them back. The Defendant, on several occasions, drove back and forth in front of their shop, either in an old, red S10 truck or in his daughter's maroon car. In the latter part of April, gunshots were heard coming from the area near the Warren house. Based on the Defendant's threats, the Willises were hesitant to go and check on their property so they called the police.

Mrs. Willis testified that, on the night of June 1, 2007, she and Mr. Willis were at their shop, guarding it. Donnie, who worked around the farm, and John and Stephanie Blaylock, who lived in a rental property next to the shop, were also at the shop. Mrs. Willis recalled the Blaylock's dogs began barking, and they noticed the Defendant's truck parked out on the street. They observed the Defendant run through the side of Blaylock's yard to his truck and drive off. This concerned them because they were guarding the property and did not even realize the Defendant was there. The Willises went home to check on their daughters, and, as soon as they arrived home, the Defendant called Mr. Willis's cell phone. Mrs. Willis answered the phone and the Defendant said, "I want my money, and I want my f-ing tools." Mrs. Willis told the Defendant they did not owe him money and did not have any of his property. She asked him to leave them alone and hung up the phone. The house phone then rang, and, when Mrs. Willis answered it, the Defendant cursed at her again and demanded his money and tools. Mrs. Willis again told the Defendant they did not owe him any money, and they did not have any of his property. She warned that she would call the police if he called again, and asked him to leave them alone before hanging up. Mr. Willis's cell phone rang again, and, when Mrs. Willis answered it, the Defendant cursed at her, called her a name, and demanded to talk to Mr. Willis. Mrs. Willis told the Defendant Mr. Willis did not want to speak with him, again requested he leave them alone, and told the Defendant she was calling the police. Mrs. Willis hung up the phone and called the Sheriff's Department. While she was speaking to someone in the office, the phone rang. She picked up the phone and the Defendant immediately began cussing at Mrs. Willis. She told the Defendant the Sheriff's Department was on the other phone and placed the phone over the phone receiver, so the Sheriff's Department employee could hear the Defendant. The Defendant continued to yell, curse, and threaten Mrs. Willis. The Sheriff's Department employee said an officer was on the way to the Willises' home.

Mrs. Willis testified that the following night, the same group was at the shop to guard the Willises' property. The Defendant pulled up and started yelling. Mrs. Willis reached for her phone, and the Defendant "spun back out." The Defendant returned and continued yelling. Mrs. Willis could not understand most of what he was saying, but did hear the word "bitch." The Defendant "spun back out again" and left. The fourth time the Defendant drove on to the property, Mrs. Willis called the police and requested the same officer that had come to their home the night before. The officer assured the Willises that he would do special patrol of the property and sent them home. The

Willises went home and received a call to return to the shop. When they arrived, the motion lights were on, and the Blaylock's dogs were barking. The Willises discovered a crowbar that they had been missing from their shop lying beside the shop door. The police were again called out to the property.

Early the next morning Mrs. Willis was feeding the cattle. She testified that she was scared at every noise and had the "jitters." Mrs. Willis heard a vehicle coming down the road and saw a red truck through the cracks of the barn. She panicked and fell through the barn loft and spent the day in the emergency room. At this point, the Willises decided "enough was enough" and took out warrants on June 4, 2007, based on the Defendant's behavior.

Mrs. Willis described the steps they took to gain security for their family. She testified they installed alarm systems on most of their properties, attended handgun training, bought handguns and applied for handgun licenses. They no longer went anywhere alone and stopped answering their home phone. Mrs. Willis stated that people who needed to speak with them knew to leave a message, which they would return.

Doug Willis testified that he inherited the farm property from his parents in July 2006. At that time, the Defendant was living on the property in the Warren house. The Defendant moved into the house while Mr. Willis's parents were still alive. Mr. Willises' parents allowed the Defendant to do some work around the farm in lieu of rent because the Defendant had trouble paying rent. Once Mr. Willis inherited the property, he told the Defendant he would pay him ten dollars an hour, and he could remain in the Warren house without paying rent. Mr. Willis recalled that, initially, the Defendant was a "fairly good employee." The Willises allowed the Defendant to drive a farm truck for various tasks on the farm. The Willises noticed, however, that the Defendant's son, who did not have a license, drove the truck at night away from the farm property. Mr. Willis testified that he told the Defendant that the truck was not for personal use, and reminded the Defendant that Mr. Willis was paying for the gas in the vehicle. Mr. Willis recalled that for a few weeks the truck remained in the driveway, but that he started seeing it around town again even though the Defendant had his own vehicle, a red S-10 truck. Mr. Willis did not know that the Defendant did not have a valid driver's license until the Defendant was involved in an accident.

Mr. Willis testified the Defendant sometimes came to work with alcohol on his breath, and Mr. Willis would send him back home. The day Mr. Willis fired the Defendant, the Defendant was running cattle to Mr. Willis and a technician. At one point, the Defendant did not return for a long period, and Mr. Willis realized the Defendant had left and gone home during the work day. At the end of the day, Mr. Willis told the Defendant, "We just can't afford to keep you around. I need my keys." He gave the Defendant two weeks pay. Mr. Willis recalled that the Defendant seemed upset but did not make any threats. After he fired the Defendant, Mr. Willis changed all the locks on the buildings and gates.

Mr Willis testified that he delivered the eviction notice to the Defendant at the Warren house. Mr. Willis told the Defendant, "I hate to do this to you, but I can't put up with somebody making threats. There is your eviction. You have got 30 days." The Defendant responded to Mr. Willis by

saying, “a lot of things could happen,” which Mr. Willis perceived as a threat. Mr. Willis also testified the Defendant called him on several occasions, yelling that they owed him money and had some of his property that “one way or the other” he was going to get back.

On cross examination, Mr. Willis testified that he was originally listed as the victim for the harassment charge, but the victim was changed to Mrs. Willis. Mr. Willis also agreed that, when the Defendant called, he was trying to call Mr. Willis, not Mrs. Willis. At first, Mr. Willis answered the calls, but eventually he quit answering. Mr. Willis testified that if Mrs. Willis was around when the phone rang and wanted to answer it, he “let her do it.”

Katie Cammack, the Willises’ daughter, testified that, on June 4, 2007, she was living with her parents and saw the Defendant driving up and down their road. The Defendant would slow down and pull into the driveway a little and then speed off. This occurred in the late morning or early afternoon while Cammack was home with her two sisters, ages eleven and twelve. Cammack testified that the Defendant continued to drive past the house all summer and that this frightened her.

Donnie Hamby testified that he grew up with Mr. Willis and worked on his farm property in June 2007. Hamby recalled that he was standing in the back of the shop one evening when he saw the Defendant drive through the gate. The Defendant mumbled something and then put the truck in reverse and left. Hamby testified that Mr. and Mrs. Willis and the Blaylocks were also at the shop when this occurred.

John Blaylock testified that he rented a house next to the Willises’ shop during the summer of 2007. Blaylock recalled that the Defendant referred to Mrs. Willis as “the bitch” and stated “I will get even whatever it takes.” Blaylock saw the Defendant on the Willises’ property on several occasions after the eviction. One night that summer, Blaylock’s dog started barking so he went out the back of the house and saw the Defendant running from the shop to the road where the Defendant’s truck was parked. Blaylock testified that he called the Willises and told them he saw the Defendant on their property. Another evening that summer, when Blaylock and his wife were at the Willises’ shop with the Willises and Hamby, the Defendant pulled up and started yelling and then left. The Defendant repeated this conduct several times that evening.

The Defendant testified that he worked on the farm for Doug Willis’s parents and rented the Warren house. The Defendant stated that the walls of the Warren house were slatted and had asbestos paper in them so the Defendant put plastic on the walls. The Defendant recalled that the first year he worked on the farm, Mr. Willis’s mother gave him a \$450 bonus, which was \$100 for every month he worked that year. That year, was the only year the Defendant received that type of bonus. The following year he anticipated a \$700 bonus based on his work. When Mr. Willis took over the farm property, the Defendant asked about the bonus and was assured he would receive a \$700 bonus for that year. When the Defendant asked about the bonus again, Mr. Willis was unsure when he could give the bonus due to the process of closing his mother’s estate, but told the Defendant that the bonus could possibly be paid by April 1.

The Defendant testified that, on February 20, 2007, Mr. Willis told the Defendant he could not afford to employ the Defendant due to taxes. They shook hands, and the Defendant thanked Mr. Willis. The Defendant testified that he was relieved, because he could now get a job where he would be paid more. Sometime after he was fired, Mr. Willis delivered an eviction notice to the Defendant and told the Defendant that he had heard that the Defendant was threatening to turn the Willises in for insurance fraud. The Defendant stated that Mr. Willis was mad and evicted him. The Defendant denied ever unlocking the feed door or any gates to the Willises' property. The Defendant did recall one morning he noticed the cows were out, and, with the help of a stranger who was driving down the road, he put the cows back in the pasture and secured the gate. As to the gunshots heard near the Warren House, the Defendant stated that in the country people shoot guns all the time, but he explained that, on the night in question, the Defendant and his grandson had set off fireworks.

The Defendant testified that, at the eviction hearing when the Judge ordered he return the Warren house keys to the Willises, he explained that he had changed the locks on the house and did not have the correct keys with him. The Willises insisted he give them a key, so he gave them the only key he had. The Defendant said he knew he had ten more days on the property and asked if he could return to clean up the house, but Mrs. Willis said no, they did not want him on the property.

The Defendant admitted calling Mr. Willis's cell phone on June 1 to talk about his tools. Mr. Willis answered the phone, but then Mrs. Willis got on the phone and asked what he wanted. He explained he wanted his tools and mentioned the bonus. She told him they did not owe him anything and hung up so he called the house phone. Mrs. Willis answered again and would not allow the Defendant to speak with Mr. Willis so the Defendant called Mr. Willis's cell phone again. Mr. Willis answered the phone, and the Defendant could not recall what transpired between the two next, but stated that he basically realized it was a loss and never spoke to the Willises again. The Defendant denied making any other phone calls to the Willises, being on their property, or even being in the area. The Defendant denied ever raising his voice or making any threats toward Mr. or Mrs. Willis.

On cross-examination the Defendant admitted that he was in the Warren house beyond the thirty days allowed in the eviction notice because he was packing.

Brenda Fike testified she is engaged to the Defendant and was living with the Defendant when he worked for the Willises. Fike recalled that they received the eviction notice at the end of February 2007, but Mr. Willis told the Defendant "they could work something out," so she did not feel there was a rush to move out. Fike overheard the Defendant call Mr. Willis on June 1 to ask about his tools. Fike then heard yelling on the phone and went into the room where the Defendant was on the phone and recognized Mrs. Willis's voice yelling over the phone. Fike recalled that the Defendant was very calm and requested that they leave his tools at a location in Hillsboro where he could pick them up. Fike Stated that the Defendant called the Willises three times that night. Fike testified that cattle were loose all the time while they were living at the Warren house. She recalled one evening after the Defendant had been fired, the cattle were loose, so he put them all back in the gate.

The jury found the Defendant not guilty of stalking, but convicted him of harassment and

criminal trespass. The Defendant now appeals from these judgments.

II. Analysis

On appeal, the Defendant argues that there is insufficient evidence to prove the Defendant guilty beyond a reasonable doubt of all of the elements of harassment and criminal trespass. The State contends that the evidence is sufficient because the record established that the Defendant made repeated threatening calls to the Willises, and returned to their farm property repeatedly after being fired and evicted from his house located on the farm property. We agree with the State.

A. Sufficiency of the Evidence

When an accused challenges the sufficiency of the evidence, this Court's standard of review is whether, after considering the evidence in the light most favorable to the State, "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); see Tenn. R. App. P. 13(e), *State v. Goodwin*, 143 S.W.3d 771, 775 (Tenn. 2004) (citing *State v. Reid*, 91 S.W.3d 247, 276 (Tenn. 2002)). This rule applies to findings of guilt based upon direct evidence, circumstantial evidence, or a combination of both direct and circumstantial evidence. *State v. Pendergrass*, 13 S.W.3d 389, 392-93 (Tenn. Crim. App. 1999). A conviction may be based entirely on circumstantial evidence where the facts are "so clearly interwoven and connected that the finger of guilt is pointed unerringly at the Defendant and the Defendant alone." *State v. Smith*, 868 S.W.2d 561, 569 (Tenn. 1993). The jury decides the weight to be given to circumstantial evidence, and "[t]he inferences to be drawn from such evidence, and the extent to which the circumstances are consistent with guilt and inconsistent with innocence, are questions primarily for the jury." *State v. Rice*, 184 S.W.3d 646, 662 (Tenn. 2006) (citations omitted).

In determining the sufficiency of the evidence, this Court should not re-weigh or re-evaluate the evidence. *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990). Nor may this Court substitute its inferences for those drawn by the trier of fact from the evidence. *State v. Buggs*, 995 S.W.2d 102, 105 (Tenn. 1999); *Liakas v. State*, 286 S.W.2d 856, 859 (Tenn. 1956). "Questions concerning the credibility of the witnesses, the weight and value of the evidence, as well as all factual issues raised by the evidence are resolved by the trier of fact." *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997); *Liakas*, 286 S.W.2d at 859. "A guilty verdict by the jury, approved by the trial judge, accredits the testimony of the witnesses for the State and resolves all conflicts in favor of the theory of the State." *State v. Cabbage*, 571 S.W.2d 832, 835 (Tenn. 1978); *State v. Grace*, 493 S.W.2d 474, 479 (Tenn. 1973). The Tennessee Supreme Court stated the rationale for this rule:

This well-settled rule rests on a sound foundation. The trial judge and the jury see the witnesses face to face, hear their testimony and observe their demeanor on the stand. Thus the trial judge and jury are the primary instrumentality of justice to determine the weight and credibility to be given to the testimony of witnesses. In the trial forum alone is there human atmosphere and the totality of the evidence cannot be reproduced with a written record in this Court.

Bolin v. State, 405 S.W.2d 768, 771 (Tenn. 1996) (citing *Carroll v. State*, 370 S.W.2d 523 (Tenn. 1963)). This Court must afford the State of Tennessee the strongest legitimate view of the evidence contained in the record, as well as all reasonable inferences which may be drawn from the evidence. *Goodwin*, 143 S.W.3d at 775 (citing *State v. Smith*, 24 S.W.3d 274, 279 (Tenn. 2000)). Because a verdict of guilt against a defendant removes the presumption of innocence and raises a presumption of guilt, the convicted criminal defendant bears the burden of showing that the evidence was legally insufficient to sustain a guilty verdict. *State v. Carruthers*, 35 S.W.3d 516, 557-58 (Tenn. 2000).

1. Harassment

In this case, a conviction for harassment requires proof that the defendant intentionally “places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient.” See T.C.A. § 39-17-308(a)(2) (2006).

The evidence, considered in the light most favorable to the State, proves that the Defendant worked on the Willises’ farm property for many years. The Defendant’s employment was terminated and, shortly thereafter, he was evicted from the Warren house where he had been living on the farm property. The Defendant’s termination angered him, and he told Mr. Willis that he would not be leaving when he received the eviction notice. The Willises received numerous phone calls from April 3, 2007, after the eviction, until June 2, 2007. The Willises received so many calls that they stopped answering their telephones and screened all calls before returning them. On some of the calls, the Defendant threatened that “he knew exactly what to do in order not to get in trouble” and that “all hell was going to break loose.” On June 1, 2007, the Defendant called repeatedly yelling and cursing at Mrs. Willis. Mrs. Willis testified that the Defendant’s threats frightened her.

The Defendant contends that the evidence was insufficient because the Defendant was calling to speak to Mr. Willis and not Mrs. Willis, whom he cursed and threatened, and since there was no proof that the calls were directed toward Mrs. Willis, the conviction can not stand. We disagree. The statute, by its plain language, states that harassment is committed when a defendant “places one (1) or more telephone calls . . . in an offensively repetitious manner . . . and by this action knowingly . . . alarms the recipient.” T.C.A. § 39-17-308(a)(2). In our view, the fact that the Defendant places a telephone call to Mr. Willis, with the intent of speaking to Mr. Willis, does not insulate the Defendant from criminal liability if Mrs. Willis answers the call and the Defendant proceeds to knowingly annoy or alarm Mrs. Willis. Accordingly, we conclude that sufficient evidence was presented for the jury to find the Defendant guilty beyond a reasonable doubt of harassment. As such, the Defendant is not entitled to relief on this issue.

2. Criminal Trespass

A conviction for criminal trespass requires the jury to find, beyond a reasonable doubt, that the defendant entered or remained on property knowing he or she did not have the owner's effective consent. T.C.A. § 39-14-405 (2006). The Defendant contends that there was no proof that either Mr. or Mrs. Willis told him he could not be on the property, therefore, a jury could not find that he was on the property knowing he did not have the owner's effective consent.

The evidence, considered in the light most favorable to the State, proves that the Defendant worked and lived on the Willises' farm property. Mr. Willis terminated the Defendant and asked for the Defendant's work key to the property. Shortly thereafter, Mr. Willis delivered an eviction notice ordering the Defendant off the property within thirty days. The Defendant was unhappy with the termination, as well as the eviction notice, and made threats to harm the Willises' farm property. The Willises, the Blaylocks, and Hamby all saw the Defendant on the Willises' farm property after his termination and notice of eviction. Mr. Blaylock witnessed the Defendant running from the farm property to his vehicle parked on the road. The Willises saw him on the property as he attempted to flag them down and lunged at their vehicle when it became clear they did not want to speak with the Defendant, the day before the eviction hearing. They again saw him on June 1 when he repeatedly drove on the property, yelled incoherently at the Willises, and "spun out." Both the Blaylocks and Hamby also testified to seeing the Defendant on the property on June 1, 2007.

First, the Willises' termination of the Defendant and subsequent eviction notice ordering him off the property within thirty days indicated that the Willises did not want the Defendant on their property. Further, the Defendant's own testimony regarding the eviction hearing indicates he knew he was not welcome on the property. The Defendant testified that, at the eviction hearing on April 4, in response to his request to return to clean the Warren house for the Willises, Mrs. Willis declined his offer stating they did not want him on the property. Thus, on June 1, when the Defendant repeatedly drove onto the Willises' property yelling at them, he had already been expressly told by Mrs. Willis not to return to the property. In our view, this evidence clearly supports the jury's finding that the Defendant entered the Willises' property knowing that he did not have the Willises' consent to do so.

Having concluded that sufficient evidence was presented for the jury to find the Defendant guilty beyond a reasonable doubt of criminal trespass. As such, the Defendant is not entitled to relief on this issue.

III. Conclusion

After a thorough review of the record and the applicable law, we conclude that sufficient evidence was presented for a jury to find the Defendant guilty of harassment and criminal trespass. As such, we affirm the trial court's judgments.

ROBERT W. WEDEMEYER, JUDGE